

# **Update on Interim Staff Guidance**

**Decommissioning Funding Plans  
Materials Licensees**

# Interim Staff Guidance

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## Background

NMSS has been working on a draft ISG (ML18163A087) covering:

- Decommissioning Cost Estimate (DCE) reflecting current facility conditions
- Evaluating events since the last Decommissioning Funding Plan (DFP) approval
- Updates to financial instruments

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## DCE reflecting current facility conditions

Part 70 licensees covering inventory:

- Licensee owned - contract in place where another party pays for packing, loading and shipping to an end destination
- Customer owned - customer retains legal title to the material and is contractually responsible for packing, loading and shipping to an end destination
- In-process inventory - justify a brief timeframe to process the material through into finished product, and then it will fall into licensee-owned or customer-owned inventory

The draft ISG considers NEI's previous letter (ML16229A175) and NRC's response (ML16307A014) regarding DCE reflecting current facility conditions

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## Evaluating events since last DFP approval

Make sure to include the 8 factors required by 30.35(e)(2), 40.36(d)(2) and CFR 70.25(e)(2):

- Spills of radioactive material impacting the subsurface
- Waste inventory that exceeds previous estimate
- Waste disposal costs that exceed previous cost estimated
- Facility modifications
- Changes in possession limits
- Remediation costs that exceed previous cost estimate
- Onsite disposal
- Use of a settling pond

To reduce RAIs provide a narrative covering the 8 factors

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## Financial instruments

- Send original hard copy financial instruments directly to site PM not NRC Document Control as DC does not maintain original hard-copy documents
- For approval, NRC staff needs to review all agreements including any side letters to the financial instruments
- A template sight draft is being provided for staff use Banks typically require a sight draft to draw on the financial instrument
- Guidance on addressing CPA's opinion of off-balance sheet transactions for guarantees
- Supporting documents for Statements of Intent
- Verifying trust operations are regulated and examined by a Federal or State agency

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## Notices

- August 1<sup>st</sup> Federal Register Notice (FRN) published seeking comments on draft ISG requesting comments by September 17, 2018
- NEI contacted NMSS and indicated they would be holding a meeting with industry and requested to extend the comment period until after this meeting; therefore, on August 21<sup>st</sup> an FRN was published extending the comment period to October 5, 2018

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## Next steps

- NMSS looks forward to receiving comments on the draft ISG
- Working towards publishing final ISG at the end of January 2019